

## Message Text

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PAGE 01 STATE 221830  
ORIGIN EB-08

INFO OCT-01 ARA-10 EUR-12 EA-10 NEA-10 IO-13 ISO-00  
SIG-03 AGRE-00 CEA-01 CIAE-00 COME-00 DODE-00  
FRB-03 H-01 INR-10 INT-05 L-03 LAB-04 NSAE-00  
NSC-05 PA-01 CTME-00 AID-05 SS-15 STR-07 ITC-01  
TRSE-00 ICA-11 SP-02 SOE-02 OMB-01 DOE-15 /159 R

DRAFTED BY EB/OT/TA:HKOPP/EB/STA:CBLUM:PRM  
APPROVED BY EB/ITP:WGBARRACLOUGH  
EA/EP:AALBRECHT; STR:JGREENWALD  
ARA/ECP:SWATKINS  
EUR/RPE:PMCLEAN  
AGRIC:RSCHROETER (SUBS)  
COMMERCE:MPRUITT  
LABOR:FLAVALLE  
TREASURY:JMURPHY  
TREASURY:RSELF

-----054825 010648Z /15

R 311955Z AUG 78  
FM SECSTATE WASHDC  
TO AMEMBASSY BOGOTA  
AMEMBASSY MONTEVIDEO  
AMEMBASSY BRASILIA  
AMEMBASSY OTTAWA  
AMEMBASSY SEOUL  
AMEMBASSY MEXICO  
AMEMBASSY VIENNA  
AMEMBASSY HELSINKI  
AMEMBASSY STOCKHOLM  
AMEMBASSY BERN  
AMEMBASSY COPENHAGEN  
AMEMBASSY THE HAGUE  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY TOKYO  
AMEMBASSY OSLO  
AMEMBASSY BUENOS AIRES  
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AMEMBASSY NEW DELHI  
AMEMBASSY MANILA  
AMEMBASSY SINGAPORE  
AMEMBASSY KUALA LUMPUR  
AMEMBASSY BANGKOK  
USMISSION GENEVA  
AMEMBASSY PARIS

AMEMBASSY ISLAMABAD

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USMTN, USEEC, USOECD ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: WAIVER OF US COUNTERVAILING DUTIES

1. SUMMARY: AFTER CONSULTATIONS WITH CONGRESSIONAL LEADERS, THE ADMINISTRATION HAS CONCLUDED THAT THE PROSPECTS IN THIS SESSION FOR EXTENSION OF TRADE ACT AUTHORITY TO WAIVE IMPOSITION OF COUNTERVAILING DUTIES ARE NOT GOOD. WHILE WE ARE STILL DISCUSSING THE ISSUE ON THE HILL, THE EXPECTATION NOW IS THAT COUNTERVAILING DUTIES EQUAL TO THE AMOUNT OF THE SUBSIDY WILL BE COLLECTED BEGINNING JANUARY 4, 1979, IN ALL CASES THAT ARE NOW OR MAY BECOME SUBJECT TO WAIVERS. ACTION ADDRESSEES SHOULD INFORM HOST GOVERNMENTS. END SUMMARY.

2. SECTION 331 OF THE TRADE ACT OF 1974 AUTHORIZES THE SECRETARY OF THE TREASURY TO WAIVE THE IMPOSITION OF LIMITED OFFICIAL USE

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COUNTERVAILING DUTIES (CVDS) UNDER SPECIFIED CIRCUMSTANCES. THE SECRETARY HAS USED THIS AUTHORITY IN THE CASES OUTLINED IN PARA. 7 BELOW. THE WAIVER AUTHORITY, WHICH EXPIRES JANUARY 3, 1979, WAS DESIGNED TO IMPROVE POSSIBILITIES FOR SUCCESSFUL NEGOTIATION OF AN INTERNATIONAL AGREEMENT ON SUBSIDIES AND COUNTERVAILING DUTIES IN THE MTN, AND TO INCREASE US NEGOTIATING LEVERAGE.

3. ALTHOUGH WE HAVE MADE CONSIDERABLE PROGRESS IN THE MTN IN RECENT MONTHS, WE DID NOT REACH THE POLITICAL AGREEMENT WE HAD HOPED FOR ON JULY 15. SEVERAL MAJOR ISSUES IN THE SUBSIDY/CVD TALKS ARE STILL UNRESOLVED. WE NOW INTEND TO CONCLUDE THE MTN NEGOTIATIONS BY DECEMBER 15 AND TO SUBMIT THE MTN AGREEMENTS AND IMPLEMENTING LEGISLATION TO CONGRESS IN MARCH, 1979. UNDER TRADE ACT PROCEDURES, CONGRESS WOULD THEN HAVE SIXTY LEGISLATIVE DAYS (ABOUT FOUR OR FIVE CALENDAR MONTHS) TO APPROVE OR DISAPPROVE THE PACKAGE.

4. IN CONGRESSIONAL TESTIMONY ON JULY 18, AMBASSADOR STRAUSS STATED THAT A SIX OR EIGHT MONTH EXTENSION OF THE WAIVER AUTHORITY, TO COVER THE PERIOD NEEDED FOR

CONGRESSIONAL CONSIDERATION OF THE MTN PACKAGE, WOULD BE USEFUL. HE DID NOT INDICATE WHEN THE ADMINISTRATION MIGHT REQUEST EXTENSION OF THE WAIVER AUTHORITY, AND HE INDICATED THAT ANY REQUEST WOULD DEPEND ON PROGRESS TOWARD A SATISFACTORY SUBSIDY/COUNTERVAIL AGREEMENT.

5. ON AUGUST 2, CONGRESSMAN VANIK, CHAIRMAN OF THE TRADE SUBCOMMITTEE OF THE HOUSE WAYS AND MEANS COMMITTEE, WROTE TO AMBASSADOR STRAUSS AND SECRETARY BLUMENTHAL THAT "MEMBERS WOULD REACT NEGATIVELY" TO A REQUEST FOR EXTENSION, AND THAT APPROVAL OF AN EXTENSION IN THE ABSENCE OF A SATISFACTORY INTERNATIONAL AGREEMENT ON SUBSIDY/COUNTERVAIL WOULD BE "VIRTUALLY IMPOSSIBLE." VANIK ALSO STRESSED THE "SERIOUS RISK" OF PROTECTIONIST AMENDMENTS LIMITED OFFICIAL USE

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TO A WAIVER-EXTENSION BILL "THAT COULD LEAVE OUR WHOLE TRADE POSTURE IN DOUBT." SENATORS LONG AND RIBICOFF, AMONG OTHERS, SHARE THIS VIEW.

6. WHILE THE ADMINISTRATION HAS NOT RULED OUT REQUESTING A WAIVER EXTENSION IN THE FALL, OR POSSIBLY IN A LAME-DUCK SESSION IF ONE IS CALLED, THE CHANCES OF PASSAGE ARE SLIM. AMBASSADOR STRAUSS INFORMED EC OFFICIALS AUGUST 8 THAT CONGRESSIONAL REACTION TO EXTENSION IS "VERY NEGATIVE" AND THAT HE IS "INCREASINGLY PESSIMISTIC" ABOUT CHANCES FOR SUCCESS.

7. IF THE WAIVER AUTHORITY EXPIRES, TREASURY WILL IMPOSE COUNTERVAILING DUTIES EQUAL TO THE SUBSIDIES PAID ON GOODS NOW COVERED BY WAIVERS. IN THE COMING MONTHS, TREASURY WILL BE SEEKING ADDITIONAL DATA FROM HOST GOVERNMENTS TO PERMIT ACCURATE CALCULATION OF THE CVD ON THESE PRODUCTS. TREASURY EXPECTS TO HAVE ALL NECESSARY INFORMATION AVAILABLE IN TIME TO MAKE DEFINITIVE CONCLUSIONS FOR ALL AFFECTED ITEMS, AND TO IMPOSE AND COLLECT DEFINITIVE

DUTIES WITHOUT SUSPENDING LIQUIDATION ON ALL ENTRIES SUBSEQUENT TO WAIVER EXPIRATION. IN EXCEPTIONAL CIRCUMSTANCES, WHERE FOR GOOD REASON MORE TIME IS NEEDED TO OBTAIN INFORMATION, THE AMOUNT OF THE SUBSIDY WILL BE ESTIMATED AND AN ESTIMATED DUTY COLLECTED IN CASH PENDING FINAL DETERMINATION AND LIQUIDATION. NO BONDS OR LETTERS OF CREDIT WILL BE ACCEPTED.

8. TREASURY ESTIMATES ARE NOT NOW AVAILABLE, BUT A PRELIMINARY EXAMINATION OF OUTSTANDING WAIVERS INDICATES THE FOLLOWING:

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A) IF COMMITMENTS MADE TO US TO OBTAIN WAIVERS ARE KEPT, AND SUBJECT TO TREASURY VERIFICATION, THE SUBSIDIES PAID IN THE FOLLOWING CASES ARE LIKELY TO BE SMALL (BUT STILL COUNTERAVAILABLE) AT THE TIME THE WAIVER EXPIRES:

- URUGUAY: HANDBAGS, LEATHER WEARING APPAREL, NON-RUBBER FOOTWEAR
- CANADA: GROUND FISH
- KOREA: RUBBER FOOTWEAR

B) IN THE FOLLOWING CASES, THE WAIVER COMMITMENT IS LIKELY TO RESULT IN NO SUBSIDY, AND THEREFORE NO COUNTERVAILING DUTY:

- COLOMBIA: HANDBAGS
- BRAZIL: HANDBAGS
- MEXICO: STEEL

C) IN THE CASE OF CHEESES FROM AUSTRIA, THE EEC, FINLAND, SWEDEN, AND SWITZERLAND, COUNTERVAILING DUTIES WILL VARY.

D) DANISH BUTTER COOKIES FACE A HIGH CVD.

E) CANNED HAMS FROM DENMARK AND THE NETHERLANDS FACE A CVD OF SOME SIGNIFICANCE, BECAUSE RESTITUTIONS HAVE BEEN LOWERED ONLY PARTIALLY.

9. ACTION ADDRESSEES SHOULD INFORM HOST GOVERNMENTS IN LOW-KEY MANNER THAT, IN VIEW OF CURRENT ABSENCE OF INTERNATIONAL AGREEMENT ON SUBSIDIES AND COUNTERVAILING DUTIES IN MTN, WAIVER AUTHORITY IS LIKELY TO LAPSE. ADDRESSEES SHOULD POINT OUT THAT US INTEREST IN NEGOTIATION OF A SATISFACTORY INTERNATIONAL AGREEMENT HAS BY NO MEANS DIMINISHED, AND THAT RAPID PROGRESS TOWARD THAT AGREEMENT IS ESSENTIAL TO SUCCESS OF MTN. DETAILS ON DUTIES THAT MAY BE LEVIED WILL BE TRANSMITTED AS TREASURY'S WORK  
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PROCEEDS. EMBOFFS SHOULD ALSO TAKE OCCASION TO URGE COOPERATION BY GOVERNMENTS IN RESPONDING TO QUESTIONS POSED BY TREASURY, STRESSING THAT SUCH AN EXERCISE IS NECESSARY IN EVENT THAT WAIVER CANNOT BE EXTENDED. VANCE

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ORIGIN EA-12

INFO OCT-01 ISO-00 /013 R

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DRAFTED BY:EA/EP:RICHARD MORFORD  
APPROVED BY:EA/EP:ANTHONY C ALBRECHT  
-----104567 131522Z /45

R 130445Z SEP 78  
FM SECSTATE WASHDC  
TO AMEMBASSY TAIPEI

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FOL STATE 221830 SENT ACTION BOGOTA MONTEVIDEO BRASILIA  
OTTAWA SEOUL MEXICO VIENNA HELSINKI STOCKHOLM BERN COPEHNAGEN  
THE HAGUE BRUSSELS TOKYOOSLO BUENOS AIRES NEW DELHI  
MANILA SINGAPORE KUALA LUMPUR BANGKOK GENEVA PARIS ISLAMABAD  
AUG 31, 1978

QUOTE LIMITED OFFICIAL USE STATE 221830

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UNQUOTE CHRISTOPHER

ORIG. DIST:ARA,EUR,EA,NEA,IO,ISO,EB/SIG,GATT.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COUNTERVAILING DUTIES, TRADE AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 31 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Unique ID:** 00  
**Drafter:** HKOPP/EB/STA:CBLUM:PRM  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Message ID:** 6734f25a-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 8  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Secure:** OPEN  
**Status:** NATIVE  
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**TAGS:** ETRD, US, CO  
**To:** BOGOTA MONTEVIDEO MULTIPLE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014